

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

GARRICK HARRINGTON,

Plaintiff,

v.

A. K. SCRIBNER, et al.,

Defendants.

No. 1:05-cv-0624 OWW-GSA

ORDER ON MOTIONS IN LIMINE

Trial: July 28, 2009

After considering the briefing and argument of the parties, the Court rules on the motions in limine submitted by the parties as follows:

1. Plaintiff's motion to exclude evidence of his prison sentence is granted.
2. Plaintiff's motion to exclude inmate grievances Log Nos. 04-1858, 04-1925, and 04-2074 is granted in part. Defendants have withdrawn Log No. 04-1858, thus the motion is moot. Defendants may use Log Nos. 04-1925 and 04-2074 to impeach Plaintiff or as a party admission, but the documents themselves are not admissible.
3. Defendants' motion to preclude Plaintiff from testifying about the diagnosis, prognosis, and causation of his injuries is granted.

1 4. Defendants' motion to preclude Plaintiff from testifying about the biomechanics of his
2 fall on May 5, 2004, is granted.

3 5. Defendants' motion to exclude evidence of remedial measures is granted in part.
4 Plaintiff may introduce evidence of remedial measures to show feasibility, and the Court will
5 provide limiting instructions.

6 6. Defendants' motion to exclude evidence of other falls after May 5, 2004, is granted.

7 7. Defendants' motion to exclude evidence of other lawsuits against Defendants is granted.

8 8. Defendants' motion to exclude evidence of indemnification is granted.

9 9. Defendants' motion to exclude evidence of offers to compromise is granted.
10

11 Dated: 7/30/2009

/s/ OLIVER W WANGER

Oliver W. Wanger
United States District Court Judge

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: Garrison Harrington v. A.K. Scribner, et al.
No.: 1:05-cv- 00624 OWW-GSA

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On July 30, 2009, I served the attached:

[Proposed] ORDER ON MOTIONS IN LIMINE

by personally delivering a copy to the party listed below:

Garrick Harrington (P-28306)
Courtroom 3
United States Federal District Court
Fresno Courthouse
2500 Tulare, Seventh Floor
Fresno, California
In pro per

I declare under penalty of perjury under the laws of the United States and the State of California the foregoing is true and correct and that this declaration was executed on July 30, 2009, at Fresno, California.

Diana Esquivel
Declarant

/s/ Diana Esquivel
Signature